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| 10/064,723 | 08/09/2002 | Gary A. Kasper | 71189-1423 | 4232 |
| 20915 | 7590 | 11/17/2004 | EXAMINER | |
| MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503 | | | SNIDER, THERESA T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1744 | |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,723

Applicant(s)

KASPER ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-15,22-25 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 3,9,16-21 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/9/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 155(0045), 164(0050), 916(0054), 154,134(0063, not in figure 11), 770(0068) and 1012(0072). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1000(fig. 18). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because in figure 11, '408' does not have a lead line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 1, the status of the copending application should be updated.

Page 2, 0004, the status of the copending application should be updated.

Page 8, 0043, it is believed '118' should be moved to after 'cavity', rather than before.

Page 9, 0047, 'a wheel' should be replaced with 'wheel'.

Page 10, 0047, it is unclear as to what is meant by 'reciprocates moves'.

Page 11, 0050, line 9, '167' should be inserted after 'friction clutch material'.

Page 12, 0053, '178 that' should be deleted.

Page 13, 0057, 'A sliding' should be replaced with 'The sliding';

'a solution valve'(both occurrences) should be replaced with 'the solution valve'.

Page 16, 0062, 'a handle' should be replaced with 'the handle'.

Page 17, 0066, the provisional application number appears to be incorrect; it is not directed to a turbine motor;

'which 570' should be deleted.

Page 18, 0069, '19' should be replaced with '17'.

0070, the status of the copending application should be updated;

it is unclear as to what is meant by 'secures mounts'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6-8, 10-11, 27, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 6, line 2, 'mechanism' should be deleted.

Claim 8, line 2, 'a' should be replaced with 'the'.

Claim 10, line 2, 'one radial surface' should be replaced with 'one of the radial surfaces'.

Claim 27, line 3, 'solution' should be replaced with 'fluid';

Line 4, 'solution' should be replaced with 'fluid supply'.

Claim 29, line 2, 'end' should be inserted after 'upper';

Line 3, 'a' should be replaced with 'the'.

Claim 32, line 9, 'the dispensing' should be replaced with 'a dispensing';

Line 19, 'nozzle' should be inserted after 'suction'.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-2, 4, 13-14, 22-23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Admitted State of the Prior Art as set forth in the preamble Jepson claim(hereafter ASPA) in view of Ripple.

ASPA discloses a similar cleaning apparatus however fails to disclose a traction driver mounted to the base.

Ripple discloses a surface cleaning apparatus having a traction driver mounted to the base of a housing for movement along a surface to be cleaned (fig. 1, #6, col. 6, lines 69-72).

Ripple discloses a power drive assembly mounted to the housing and connected to the traction driver for selectively propelling the base over the surface (col. 3, lines 12-20). It would have been obvious to one of ordinary skill in the art to provide the traction driver and power drive assembly of Ripple in ASPA to aid in reducing operator fatigue by providing for a self-propelled cleaning apparatus.

With respect to claim 2, Ripple discloses the power drive assembly including a drive motor coupled to the traction driver and a drive actuator on the handle (col. 3, lines 12-20, claim 4).

With respect to claim 4, Ripple discloses an electric motor and a transmission assembly (col. 3, lines 12-20).

With respect to claim 13, Ripple discloses a unidirectional drive motor and a reversible transmission assembly (col. 4, lines 8-36).

With respect to claim 14, Ripple discloses a belt between the transmission assembly and the driver (col. 3, line 15).

With respect to claim 22, Ripple discloses a drive actuator on the handle (claim 4).

With respect to claim 23, Ripple discloses the actuator adapted to control forward and reverse movement of the base (col. 1, lines 40-46).

With respect to claim 31, Ripple discloses the traction driver being one of at least two wheels to support the base (fig. 1, #6).

11. Claims 1-2, 4-6, 13-14, 22-23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Admitted State of the Prior Art as set forth in the preamble Jepson claim(hereafter ASPA) in view of Meyer et al.(‘740)

ASPA discloses a similar cleaning apparatus however fails to disclose a traction driver mounted to the base.

Meyer et al.(‘740) discloses a surface cleaning apparatus having a traction driver mounted to the base of a housing for movement along a surface to be cleaned (fig. 1, #16). Meyer et al.(‘740) discloses a power drive assembly mounted to the housing and connected to the traction driver for selectively propelling the base over the surface (col. 3, lines 18-23). It would have been obvious to one of ordinary skill in the art to provide the

traction driver and power drive assembly of Meyer et al.('740) in ASPA to aid in reducing operator fatigue by providing for a self-propelled cleaning apparatus.

With respect to claim 2, Meyer et al.('740) discloses the power drive assembly including a drive motor coupled to the traction driver and a drive actuator on the handle (col. 3, lines 18-23, col. 6, line 66-col. 7, line 25).

With respect to claim 4, Meyer et al.('740) discloses an electric motor and a transmission assembly (col. 3, lines 18-23).

With respect to claim 5, Meyer et al.('740) discloses two drive trains, one for each direction and a clutch moveable between the drive trains (col. 7, lines 2-25).

With respect to claim 6, Meyer et al.('740) discloses the drive actuator connected to the clutch (col. 7, lines 18-21).

With respect to claim 13, Meyer et al.('740) discloses a unidirectional drive motor and a reversible transmission assembly (col. 6, line 66-col. 7, line 25).

With respect to claim 14, Meyer et al.('740) discloses a belt between the transmission assembly and the driver (col. 3, line 20).

With respect to claim 22, Meyer et al.('740) discloses a drive actuator on the handle (claim 6).

With respect to claim 23, Meyer et al.('740) discloses the actuator adapted to control forward and reverse movement of the base (claim 6).

With respect to claim 31, Meyer et al.('740) discloses the traction driver being one of at least two wheels to support the base (fig. 1, #16).

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12. Claims 7-8, 15, 24-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Meyer et al.('740) as applied to claim 7 above, and further in view of Martin et al..

ASPA in view of Meyer et al.('740) discloses a similar cleaning apparatus however fails to disclose the drive actuator being a handle grip or the inclusion of a belt tensioner.

Martin et al. discloses a cleaning apparatus with an upright handle provided with a handle grip as a drive actuator (col. 4, lines 11 and 23-36). It would have been obvious to one of ordinary skill in the art to provide the actuator of Martin et al. in ASPA in view of Meyer et al.('740) to allow for directing of the apparatus over a surface with the handle without accidentally changing direction.

With respect to claim 8, Martin et al. discloses a cable connected between the grip and the clutch (fig. 2, #200).

With respect to claim 15, Martin et al. disclose the use of a belt tensioner assembly to maintain tension in a belt (col. 5, lines 29-33). It would have been obvious to one of ordinary skill in the art to provide the tensioner of Martin et al. on the drive belt, as well as on the agitator belt, to ensure the belt is in proper tension for the most effective operation.

With respect to claims 25 and 28, Martin et al. discloses the drive actuator biased to a neutral position and having a lock (col. 8, lines 6-45).

13. Claims 7-8, 15, 24-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Ripple as applied to claim 7 above, and further in view of Martin et al..

ASPA in view of Ripple discloses a similar cleaning apparatus however fails to disclose the drive actuator being a handle grip or the inclusion of a belt tensioner.

Martin et al. discloses a cleaning apparatus with an upright handle provided with a handle grip as a drive actuator (col. 4, lines 11 and 23-36). It would have been obvious to one of ordinary skill in the art to provide the actuator of Martin et al. in ASPA in view of Ripple to allow for directing of the apparatus over a surface with the handle without accidentally changing direction of the driver.

With respect to claim 8, Martin et al. discloses a cable connected between the grip and the clutch (fig. 2, #200).

With respect to claim 15, Martin et al. disclose the use of a belt tensioner assembly to maintain tension in a belt (col. 5, lines 29-33). It would have been obvious to one of ordinary skill in the art to provide the tensioner of Martin et al. on the drive belt, as well as on the agitator belt, to ensure the belt is in proper tension for the most effective operation.

With respect to claims 25 and 28, Martin et al. discloses the drive actuator biased to a neutral position and having a lock (col. 8, lines 6-45).

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Ripple as applied to claim 1 above, and further in view of Louis et al..

ASPA in view of Ripple discloses a similar cleaning apparatus however fails to disclose an air drive turbine motor.

Louis et al. discloses a cleaning apparatus with an air drive turbine motor for driving movement of a device (col. 5, lines 51-53). It would have been obvious to one of ordinary skill in the art to provide the turbine motor of Louis et al. in ASPA in view of Ripple to allow for the most effective operation.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Meyer et al.('740) as applied to claim 1 above, and further in view of Louis et al..

ASPA in view of Meyer et al.('740) discloses a similar cleaning apparatus however fails to disclose an air drive turbine motor.

Louis et al. discloses a cleaning apparatus with an air drive turbine motor for driving movement of a device (col. 5, lines 51-53). It would have been obvious to one of ordinary skill in the art to provide the turbine motor of Louis et al. in ASPA in view of Meyer et al.('740) to allow for the most effective operation.

16. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Ripple as applied to claim 1 above, and further in view of Barnhart.

ASPA in view of Ripple discloses a similar cleaning apparatus however fails to disclose a carry handle affixed to the handle.

Barnhart discloses a cleaning apparatus with an upright handle and a carry handle on the handle (fig. 1, unnumbered region at lower end of handle). It would have been obvious to one of ordinary skill in the art to provide the carry handle of Barnhart in ASPA in view

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of Ripple to allow having better positioning to carry the apparatus from one place to another without having to lift by the gripping region.

17. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA in view of Meyer et al.('740) as applied to claim 1 above, and further in view of Barnhart.

ASPA in view of Ripple discloses a similar cleaning apparatus however fails to disclose a carry handle affixed to the handle.

Barnhart discloses a cleaning apparatus with an upright handle and a carry handle on the handle (fig. 1, unnumbered region at lower end of handle). It would have been obvious to one of ordinary skill in the art to provide the carry handle of Barnhart in ASPA in view of Ripple to allow having better positioning to carry the apparatus from one place to another without having to lift by the gripping region.

18. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Louis et al. in view of Meyer et al.('740) and Martin et al..

Louis et al. discloses a similar cleaning apparatus however fails to disclose a traction driver or grip actuator.

Louis et al. discloses a housing including a base and an upright handle (fig. 1, #2, 4).

Louis et al. discloses at least two wheels mounted to the base (fig. 1, unnumbered element to left of #150).

Louis et al. discloses a liquid dispensing system (col. 6, lines 42-60).

Louis et al. discloses a fluid recovery system (col. 4, line 64-col. 5, line 9).

Louis et al. discloses a vacuum source (col. 4, lines 38-41).

Meyer et al.('740) discloses a surface cleaning apparatus having a drive motor connected between a transmission assembly and one of the wheels (fig. 1, #16, col. 3, lines 18-23).

It would have been obvious to one of ordinary skill in the art to provide the traction driver and power drive assembly of Meyer et al.('740) in ASPA to aid in reducing operator fatigue by providing for a self-propelled cleaning apparatus.

Meyer et al.('740) discloses two drive trains, one for each direction and a clutch moveable between the drive trains (col. 7, lines 2-25).

Meyer et al.('740) discloses a belt between the transmission assembly and the driver (col. 3, line 20).

Martin et al. discloses a cleaning apparatus with an upright handle provided with a handle grip as a drive actuator (col. 4, lines 11 and 23-36). It would have been obvious to one of ordinary skill in the art to provide the actuator of Martin et al. in ASPA in view of Meyer et al.('740) to allow for directing of the apparatus over a surface with the handle without accidentally changing direction of the driver.

Martin et al. discloses a link connected between the grip and the clutch (fig. 2, #200).

Allowable Subject Matter

19. Claims 3, 9, 16-21 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

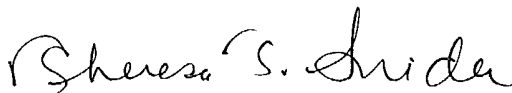
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20. Claims 10-11, 27 and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

11/15/2004